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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JACOB IVAN SCHMITT,

11 Petitioner,

12 v.

13 MIKE OBENLAND,

14 Respondent.

CASE NO. 3:18-cv-05602-BHS-JRC

ORDER GRANTING MOTION TO
CONTINUE STAY

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16 The District Court has referred this petition for a writ of habeas corpus filed under 28
17 U.S.C. § 2254 to United States Magistrate Judge J. Richard Creatura. *See* Dkt. 3. The authority
18 for the referral is 28 U.S.C. §§ 636(b)(1)(A) and (B) and local Magistrate Judge Rules 3 and 4.

19 Petitioner filed this petition in July 2018. *See* Dkt. 1. This Court subsequently granted
20 respondent's motion to stay—and then extended the stay twice, until January 10, 2020—on the
21 basis that petitioner was still exhausting his state court remedies. *See* Dkt. 16. Petitioner did not
22 object to either the initial motion to stay or to the later extensions of the stay. *See* Dkt.
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1 Respondent again requests an extension of the stay on the basis that petitioner's personal
2 restraint petition ("PRP") "remains pending in the court of appeals and will likely remain
3 pending in the foreseeable future." Dkt. 17, at 2. Respondent has provided information about
4 petitioner's PRP status in the state court of appeals to support its request. *See* Dkt. 17-1. Again,
5 petitioner does not object. *See* Dkt.

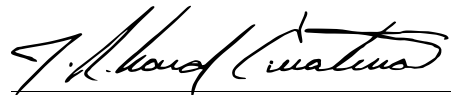
6 This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his
7 remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–
8 79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds
9 good cause to grant respondent's request. Therefore, it is ORDERED,

10 (1) Respondent's motion to continue the stay (Dkt. 17) is granted, and the stay in this
11 matter is extended to **June 5, 2020**. Respondent shall file a report advising the Court of the
12 status of petitioner's state court relief and, if necessary, a motion to extend the stay on or before
13 **May 22, 2020**.

14 (2) Should the state court terminate review of petitioner's state court filing, either
15 petitioner or respondent shall inform the Court and request that the stay be lifted within 30 days
16 of the state court's decision.

17 (3) The Clerk shall note the deadlines set by this Order on the docket for this matter.

18 Dated this 6th day of January, 2020

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20 J. Richard Creatura
21 United States Magistrate Judge
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